

Exhibit 2

/IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

IN RE SEARCH OF:)	UNDER SEAL
)	
INFORMATION ASSOCIATED WITH)	
FACEBOOK ACCOUNT USER ID/URL)	
Elite-Frenchies -733419983716627)	Case No. 21-m.j.-120-2
THAT IS STORED AT PREMISES)	
CONTROLLED BY FACEBOOK, INC,)	
AND INSTAGRAM, LLC)	

**APPLICATION FOR ORDER COMMANDING INSTAGRAM, LLC
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF A WARRANT**

The United States requests that the Court order FACEBOOK, INC and INSTAGRAM, LLC not to notify any person (including the subscribers and customers of the account listed in the warrant of the existence of the attached warrant) for a period of one year.

FACEBOOK, INC and INSTAGRAM, LLC, are providers of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached warrants, which requires FACEBOOK, INC and INSTAGRAM, LLC to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly,

there is reason to believe that notification of the existence of the attached warrant will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, and/or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the warrant, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing FACEBOOK, INC and INSTAGRAM, LLC not to disclose the existence or content of the attached warrant for one year, except that FACEBOOK, INC and INSTAGRAM, LLC may disclose the attached warrant to an attorney for FACEBOOK, INC and INSTAGRAM, LLC for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on 1/22/21.

/s Mark S. Miller
Mark S. Miller
Assistant United States Attorney

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THAT IS STORED AT PREMISES)	
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AND INSTAGRAM, LLC)	

ORDER

The United States has submitted an application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding FACEBOOK, INC and INSTAGRAM, LLC, electronic communication service providers and/or a remote computing services, not to notify any person (including the subscribers and customers of the account listed in the warrant) of the existence of the attached warrant for a period of one year.

The Court determines that there is reason to believe that notification of the existence of the attached warrant will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, and/or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that FACEBOOK, INC and INSTAGRAM, LLC, shall not disclose the existence of the attached warrant, or this Order of the Court, to the listed subscriber or to any other person, for a period of one year, except that FACEBOOK, INC and INSTAGRAM, LLC, may disclose the attached warrant to an attorney for FACEBOOK, INC and INSTAGRAM, LLC for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the application and this Order are sealed until
otherwise ordered by the Court.

1/22/21
Date

/s/ Elizabeth T. Hey
Honorable Elizabeth T. Hey
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
INFORMATION ASSOCIATED WITH FACEBOOK
USER ID/URL: Elite-Frenchies-733419983716627
Case No. 21-mj-120-2

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

FACEBOOK ACCOUNT IDENTIFIED BY USER ID/URL: Elite-Frenchies-733419983716627

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. Sec. 1951(a)	Interference with interstate commerce by robbery
18 U.S.C. Sec. 2314	Interstate transportation of stolen property

The application is based on these facts:

See attached Affidavit of Probable Cause

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s Kenneth E. Lockhart, Jr.

Applicant's signature

FBI TFO KENNETH E. LOCKHART, JR.

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/22/21

/s/ Elizabeth T. Hey

Judge's signature

City and state: Philadelphia, PA

ELIZABETH T. HEY, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the

_____ District of _____

In the Matter of the Search of _____)
 (Briefly describe the property to be searched)
 or identify the person by name and address))

Case No. _____

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
 (identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the duty magistrate.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____ .

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title